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Technology Center 2100

In re Application of Krueger et al. :
Application No. 09/855,425 : DECISION DISMISSING PETITION
Filed: October 1, 2001 : TO MAKE SPECIAL UNDER
Attorney Docket No. 27813.010300 : 37 C.F.R. §1.102(d) AND MPEP
Title: METHOD AND SYSTEM FOR SEAMLESS : § 708.02(XI)
INTEGRATION OF PREPROCESSING AND :
POSTPROCESSING FUNCTIONS WITH AN :
EXISTING APPLICATION PROGRAM :

This is a decision on the petition to make special filed November 15, 2002 under 37 C.F.R. § 102(d) and MPEP § 708.02 (XI): Inventions for Countering Terrorism. The petition title includes the statement that the paper is also intended "to amend attorney docket number"; however, the petition contains no further information regarding the request. Petitioners are advised to handle that matter in a separate letter stating clearly what changes in the docket number are requested. The matter will not be further treated in this decision.

The petition is **DISMISSED**.

MPEP § 708.02(XI), which sets out the prerequisites for a grantable petition for Inventions for Countering Terrorism" under 37 C.F.R. § 1.102(d), states in relevant part:

International terrorism as defined in 18 U.S.C. 2331 includes "activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping..." The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

Applicants who desire that an application relating to inventions for countering terrorism be made special should file a petition with the petition fee under 37 CFR 1.17(h) requesting the U.S. Patent and Trademark Office to make the application special. The petition for special status should be accompanied by a statement explaining how the invention contributes to countering terrorism.

Petitioners' submission fails to meet the criteria set out with respect to countering terrorism in MPEP § 708.02(XI). The disclosed invention is generally directed to a system for encrypting files

transparent to the user. The files are related to Microsoft Office applications and the key to the encryption resides solely on the user's machine. Note there is no mention of terrorist activity in the disclosure. Encryption of a user's files does not directly prevent "violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State". While petitioners have provided a statement explaining how the invention contributes to countering terrorism "by allowing federal, state and other authorities to leverage commercial off-the-shelf ('COTS') software while protecting information generated and used by that software"; the apparent protection of the data is against "hackers and others". Protecting against hacking, while important, does not rise to the level of acts intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by assassination or kidnapping. In addition, such encryption as proposed by applicants may actually hinder law enforcement attempts to read files created by terrorists. Thus the invention could be an aid to terrorism or criminal activity.

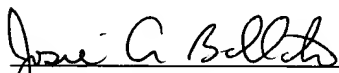
As a result, no advancement in the technology of countering terrorism has been persuasively shown.

The petition is **DISMISSED**.

Any request for reconsideration must be filed within TWO MONTHS of the mailing date of this decision. It is suggested that applicants review MPEP § 708.02 regarding other grounds available for filing a petition to make special. In particular, note MPEP § 708.02(VIII): Accelerated Examination, which does not place limitations on the subject matter of the application.

The petitioners have stated a check to cover the cost of the filing of the petition was enclosed, but the Office's records do not show any such deposit. Therefore, Deposit Account No. 50-0653 has been charged the required fee of \$130.00.

The application is being forwarded to Technology Center 2100's Central Files to await examination in its proper turn based on its effective filing date. Telephone inquiries regarding this decision should be directed to the undersigned at 703-308-0269.



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